

City Council Workshop February 6, 2019

RECODIFICATION OF DOVER CODE BY GENERAL CODE

Background

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- ▶ City Charter and Code = Municipal Constitution and Laws
- ▶ Currently City manages/maintains the City Code
- ▶ City Clerk is the holder of the Code – both paper (big green books) and electronic versions (City website)
- ▶ Amendments are made by the City Council with the involvement of the City Clerk, City Attorney, and relevant City Department
- ▶ Paper and electronic copies of Code updated by staff following approval of amendments

Background (continued)

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- ▶ Other municipalities in New Hampshire and across the country utilize third parties to efficiently manage local codes – e.g. General Code and MuniCode
- ▶ Searchable, downloadable, amendment histories, copy & paste, linkable, email
- ▶ Amendment histories, sample legislation
- ▶ Posting of pending amendments and timely update of Code following passage

Background (continued)

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- ▶ Example of General Code (eCode360) in New Hampshire

www.laconianh.gov

Process

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- ▶ June 2017 – City Council authorizes retention of General Code to perform recodification of City Code (R-2017.06.14-057)
- ▶ July 2017 – City contracts with General Code
- ▶ July 2017 – General Code takes “snap shot” of City Code to begin work
- ▶ **Note**: General Code has been provided with all amendments approved by the City Council since July 2017 and incorporated the amendments into their ongoing work.

Process (continued)

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- First Step – Organizational Analysis of City Code, Fall 2017

Changes:

Use of Divisions – 1. City Ordinances and 2. Planning Board Regulations

Division 1 divided into two parts: Part I, Administrative Legislation and Part II, General Legislation

Division 2 – Site Review and Subdivision

Renumbering of Chapters – Chapters 1 through 157, every four chapters (i.e. Chapters 1, 5, 9, 13, 17, etc.), leaving ample room for future new chapters.

Process (continued)

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- ▶ Second Step – Editorial and Legal Analysis, January 2017 – present

The Editorial and Legal Analysis is an in-depth, chapter-by-chapter review of the City's Code, the purpose of which is to give the City an overview of the codification project and guide them in making decisions as to what legislation is, or is not, to be included in the Code and with what, if any, revisions.

Process (continued)

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► Editorial and Legal Analysis (continued)

The Editorial and Legal Analysis has been prepared on the basis of a critique of the City's existing legislation, including as much as possible, a comparison with statutory provisions and similar legislation from other municipalities, to identify conflicts and ambiguities in order to bring consistency and order to the general body of the City's law.

Process (continued)

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▶ Editorial and Legal Analysis (continued)

Identifies on a chapter-by-chapter basis any:

- ▶ Spelling and grammatical errors
- ▶ Capitalization issues
- ▶ Unclear or confusing wording or sentence structure
- ▶ Statutory changes
- ▶ Internal conflicts
- ▶ Out of date language
- ▶ Duplicative language

Process (continued)

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▶ Editorial and Legal Analysis (continued)

When such issues are noted:

- ▶ Leave as is
- ▶ Adopt General Code's recommended edit
- ▶ Adopt City's suggested edit

Note: Some chapters have one or two issues noted, some have a number; most issues are straightforward, some are more complex.

Process (continued)

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- ▶ There may be instances where a change is needed, but the City elects to leave the matter as is. Why?
 - ▶ More thorough review of section or chapter is needed
 - ▶ Edit is more appropriately brought forward to the Council as a stand-alone ordinance through normal process
 - ▶ Need involvement of other body (i.e. Planning Board for zoning changes)
 - ▶ Other process is required (i.e. statutory process for Charter amendment or revision)

Editorial and Legal Analysis

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- ▶ Draft provided to the City in late August 2018
- ▶ September through November 2018 – Staff review and preparation of draft responses
- ▶ November and December 2018 – draft responses provided to Ordinance Committee
- ▶ January 2, 2019 – Ordinance Committee public meeting to review and finalize draft responses
- ▶ Tonight – Workshop on finalized draft responses
- ▶ After tonight – Finalize responses and forward to General Code for preparation of “final” draft of Code

Editorial and Legal Analysis

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- ▶ First Issue to consider – location of fines for violations
- ▶ Historically – fines located in Code
- ▶ Recently – a movement of some fines into the City Council Fee Schedule (see Chapters 152 and 166)
- ▶ Desire for a uniform and accessible location for fines
- ▶ Move all fines: 1) into Code; 2) into Schedule of Fees; or 3) into a newly created Schedule of Fines (to be adopted annually by Council during the budget adoption process)
- ▶ Ordinance Committee supports a Schedule of Fines

Editorial and Legal Analysis

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▶ Review:

- ▶ Charter
- ▶ Chapter 1 – General Provisions
- ▶ Chapter 5 – Administrative Code
- ▶ Chapter 9 – Board, Commissions, and Committees
- ▶ Chapter 13 – City Council
- ▶ Chapter 17 – Elections
- ▶ Chapter 21 – Ethics
- ▶ Chapter 25 – Financial Matters

Editorial and Legal Analysis

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▶ Review (continued)

- ▶ Chapter 29 – Property
- ▶ Chapter 33 – Records
- ▶ Chapter 37 – Seal
- ▶ Chapter 41 – Adult-Oriented Establishments
- ▶ Chapter 45 – Alarms and Security
- ▶ Chapter 49 – Amusements
- ▶ Chapter 53 – Bicycles and Play Vehicles
- ▶ Chapter 57 – Building Construction

Editorial and Legal Analysis

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▶ Review (continued)

- ▶ Chapter 61 – Building Demolition
- ▶ Chapter 65 – Cemeteries
- ▶ Chapter 69 – Dogs
- ▶ Chapter 77 – Electrical Standards
- ▶ Chapter 81 – Fire Prevention and Life Safety
- ▶ Chapter 85 – Food Service Establishments
- ▶ Chapter 89 – Health and Sanitation
- ▶ Chapter 93 – Housing Standards

Editorial and Legal Analysis

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▶ Review (continued)

- ▶ Chapter 97 – Licensing
- ▶ Chapter 101 – Manufactured Home Parks
- ▶ Chapter 105 – Peace and Good Order
- ▶ Chapter 109 – Peddlers and Vendors
- ▶ Chapter 113 – Plumbing
- ▶ Chapter 117 – Scenic Roads
- ▶ Chapter 121 – Sewers and Water
- ▶ Chapter 125 – Streets and Sidewalks

Editorial and Legal Analysis

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▶ Review (continued)

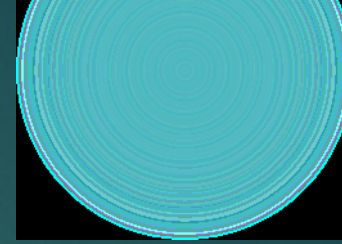
- ▶ Chapter 129 – Taxicabs
- ▶ Chapter 133 – Trees and Vegetation
- ▶ Chapter 137 – Vehicle Registration
- ▶ Chapter 141 – Vehicles and Traffic
- ▶ Chapter 145 – Waste Management
- ▶ Chapter 149 – Zoning
- ▶ Chapter 153 – Site Review Regulations
- ▶ Chapter 157 – Land Subdivision Regulations

Next Steps

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- ▶ Finalize draft responses to Editorial and Legal Analysis
- ▶ Submit to General Code (February 2019)
- ▶ Continue to update General Code with any ordinance amendments
- ▶ General Code will prepare and submit final draft of recodified City Code later this year, along with draft ordinance for adoption by City Council
- ▶ City Council adopts recodified City Code

QUESTIONS?



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